

IDEA WRITTEN ADMINISTRATIVE COMPLAINT
19-2

Name of the school system:

Shelby County Schools (SCS)

Description of the violation:

SCS failed to provide comparable individual education program (IEP) services for a transfer student.
SCS failed to include all IEP team educational decisions in a prior written notice (PWN).
SCS failed to provide a free and appropriate public education (FAPE).

Description of the law or regulation determined to be violated:

34 C.F.R. §300.323

When IEPs must be in effect

34 C.F.R. §300.503

Prior notice by the public agency: content of notice

TN State Rule 0520-01-09-.05

FAPE

SCS must correct these violations by implementing the following corrective actions:

1. Provide training for all appropriate staff on the aforementioned regulations no later than 10/30/2019;
2. Within ten (10) days of completion of training provide the department of the agenda, content, and sign-in sheets of participants as documentation of appropriate training content and appropriate staff participation;
3. Within ten (10) days of receipt of the closure letter, SCS must contact Complainant to offer 23 hours of compensatory speech/language services, 6.75 hours of compensatory OT services, and 5 hours of compensatory counseling services. Required compensatory services must be provided through one of the following three options, or through another option proposed by SCS, and agreed to by Complainant and the complaint investigator:
 - a. SCS will establish a fund to pay for Student's continued education and therapies. The fund amount must be based on the average cost for services located in the area of Student's current residence, and based on the required number of compensatory hours for each area. Complainant will pay for services, provide an invoice to SCS, and then be reimbursed from the fund;
 - b. SCS will fund Student's current school district to provide the services; or
 - c. SCS will contract with local providers near Complainant's residence to provide required hours.
4. Within 30 days of the agreed upon option(s), SCS must send the department the details and timelines for completing compensatory services. If Complainant refuses any or all compensatory services, a signed statement from Complainant must be provided to the department;
5. Within ten (10) days of completion of all required compensatory services, SCS must send to the department final signed documentation from Complainant verifying completion.

Final determination of the department: The Department will monitor and document SCS compliance with corrective measures ordered.